GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:537
ANSWERED ON:21.11.2002
VACANT POSTS OF JUDGES IN HIGH COURTS
IQBAL AHMED SARADGI

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether neither the Law Commission`s recommendations nor the repeated reminders of successive Chief Justices of the apex court have any effect on the executive to raise the strength of judges in the judiciary; and

(b) if so, the main reasons for delay in implementing the recommendations of the Law Commission in this regard?

Answer

MINISTER OF LAW AND JUSTICE (SHRI K. JANA KRISHNAMURTHI)

(a) & (b) At present, there are 13.08 judges per million population in the country. The Law Commission in its 120th Report on `Manpower Planning in Judiciary: A Blue Print` - July, 1987, had recommended a judge strength of 50 judges per million population. The Supreme Court in its judgement dated 21.03.2002 in the case of All India Judges Association & Ors. Vs Union of India & Ors. has observed `The increase in the Judge strength to 50 judges per 10 lakh people should be effected and implemented with the filling up of the posts in a phased manner to be determined and directed by the Union Ministry of Law, but this process should be completed and the increased vacancies and posts filled within a period of five years from today`. The above proposal involves large financial implications as it is the primary responsibility of the State Governments to increase the judge strength of the subordinate courts wherever necessary.

2. The Judge strength in Supreme Court is as per the constitution.The Judge strength in the High Courts is reviewed once in three years. It is the primary responsibility of the State Governments to increase the judge strength of the subordinate courts to dispose of the various cases pending under the subordinate courts.
3. Based on the above judgement of the Supreme Court of India, a communication has been sent to the State Governments from the Hon`ble Minister of Law and Justice to take necessary action in the above said matter.